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PCT

NOTIFICATION DE TRANSMISSION DE COPIES
DE LA TRADUCTION DU RAPPORT D'EXAMEN
PRÉLIMINAIRE INTERNATIONAL
SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIERE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

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TIC

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Date d'expédition (jour/mois/année) 08 septembre 2006 (08.09.2006)	
Référence du dossier du déposant ou du mandataire 34949/PCT	NOTIFICATION IMPORTANTE
Demande internationale n° PCT/FR2004/050675	Date du dépôt international (jour/mois/année) 10 décembre 2004 (10.12.2004)
Déposant NPTV etc	

1. Transmission de la traduction au déposant.



Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre I).



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Aucun

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3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du Guide du déposant du PCT pour de plus amples renseignements.

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Genève 20, Suisse	Fonctionnaire autorisé Athina Nickitas-Etienne
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TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT

RAPPORT PRÉLIMINAIRE INTERNATIONAL SUR LA BREVETABILITÉ (chapitre I du Traité de coopération en matière de brevets)

(règle 44bis du PCT)

Référence du dossier du déposant ou du mandataire 34949/PCT	POUR SUITE À DONNER Voir le point 4 ci-dessous	
Demande internationale no. PCT/FR2004/050675	Date du dépôt international (<i>jour/mois/année</i>) 10 December 2004 (10.12.2004)	Date de priorité (<i>jour/mois/année</i>) 18 December 2003 (18.12.2003)
Classification internationale des brevets (8 ^e édition, sauf indication d'une édition antérieure) Voir les informations pertinentes dans le formulaire PCT/ISA/237		
Déposant NPTV		

1. Le présent rapport préliminaire international sur la brevetabilité (chapitre I) est établi par le Bureau international au nom de l'administration chargée de la recherche internationale selon la règle 44bis.1.a).

2. Ce RAPPORT comprend un total de 7 feuilles, y compris la présente feuille de couverture.

Dans les feuilles jointes, toute référence à l'opinion écrite de l'administration chargée de la recherche internationale doit être entendue, à la place, comme une référence au rapport préliminaire international sur la brevetabilité (chapitre I).

3. Le présent rapport contient des indications relatives aux points suivants :

- | | | |
|-------------------------------------|---------------|---|
| <input checked="" type="checkbox"/> | Cadre n° I | Base de l'opinion |
| <input type="checkbox"/> | Cadre n° II | Priorité |
| <input type="checkbox"/> | Cadre n° III | Absence de formulation d'opinion quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle |
| <input type="checkbox"/> | Cadre n° IV | Absence d'unité de l'invention |
| <input checked="" type="checkbox"/> | Cadre n° V | Déclaration motivée selon l'article 35.2) quant à la nouveauté, l'activité inventive et la possibilité d'application industrielle; citations et explications à l'appui de cette déclaration |
| <input checked="" type="checkbox"/> | Cadre n° VI | Certains documents cités |
| <input type="checkbox"/> | Cadre n° VII | Certaines irrégularités relevées dans la demande internationale |
| <input type="checkbox"/> | Cadre n° VIII | Certaines observations relatives à la demande internationale |

4. Le Bureau international communiquera le présent rapport aux offices désignés conformément aux règles 44bis.3.c) et 93bis.1 mais pas avant l'expiration du délai de 30 mois à compter de la date de priorité (règle 44bis.2), sauf si le déposant a présenté une requête expresse à cet égard en vertu de l'article 23.2).

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date d'établissement du présent rapport 29 August 2006 (29.08.2006)
no de télécopieur +41 22 338 82 70		Fonctionnaire autorisé Athina Nickitas-Etienne
Formulaire PCT/IB/373 (janvier 2004)		e-mail: pt04@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See Form PCT/ISA/210 (sheet 2)**

Applicant's or agent's file reference

34949/PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/FR2004/050675

International filing date (day/month/year)

10.12.2004

Priority date (day/month/year)

18.12.2003

International Patent Classification (IPC) or both national classification and IPC

H04N7/16, H04N7/167

Applicant

NPTV

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/050675

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

☐

3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/FR2004/050675

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations:

1 Reference is made to the following document:

D1: WO 03/094123 A (MUZAFFAR, SAJ; PEACHEY,
JONATHAN) 13 November 2003 (2003-11-13)

2 INDEPENDENT CLAIM 1

2.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claim 1 does not involve an inventive step as defined in PCT Article 33(3).

Document D1 describes *(the references between parentheses apply to this document)*:

Method of accessing an interactive television service *(home user's interactive TV, abstract)* by means of a code and of a mini-message *(mobile telephone is then used to send the coded message, abstract)* characterized in that it comprises the following steps

- random generation of a code C1 by an interactive television application implemented on an interactive television equipment;

- ~~sending of a mini-message comprising the code~~

C1 to a processing server by means of a mobile

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/050675

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

telecommunications equipment (*mobile telephone is then used to send the coded message, abstract*);

- calculation by the processing server (*text message receiving centre, abstract*) of the code $C2 = F(C1)$ (*decoded, abstract*)

- returning of the code $C2$ by the processing server and reception of $C2$ on the mobile telecommunications equipment;

- entry of $C2$ by a user into the interactive television application;

- calculation by the interactive application of $C1' = F^{-1}(C2)$, verification that $C1' = C1$, and access to the said service by the user; where F is a predefined function and F^{-1} is the inverse function of F .

~~Therefore the subject matter of claim 1 differs from this~~

known method in that the method known from D1 transmits the confirmation directly to the set top box instead of ~~returning a code to be entered by the user~~ (*The broadcaster then deciphers which set top box and which game the user has requested and automatically transmits a signal to the users to set top box 2 to either receive the said game or allow the user to play the said game on display device, page 5, line 20*). However D1 continues by mentioning the possibility of returning a message to the user to confirm the request. It is however well known to the person skilled in the art that the feature of *return by the broadcasting system, stated in document D1* is equivalent to the feature "entered by the user" and that it may, according to circumstances, be replaced by the latter. It actually constitutes an older method predating

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/050675

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

that of D1.

Moreover the feature of function and inverse function put in place as minimum "encryption" in the method of claim 1 forms part of the prior art. This feature is merely one of a plurality of obvious options that a person skilled in the art seeking to solve the stated problem (checking the validity of the codes) might select, depending on each particular case and without an inventive step being involved.

3 DEPENDENT CLAIMS 2-7

The claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and inventive step (PCT Article 33(2) and (3)).

4 Given that the subject matter of independent claim 8 corresponds to the subject matter of claim 1, the same motivation as that indicated in respect of claim 1 applies *mutatis mutandis*.

Claim 8 therefore also fails to meet the requirements of the PCT in respect of novelty and inventive step (PCT Article 33(2) and (3)).

F. Bertrand

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/FR2004/050675

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
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2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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See form 210

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